



VLS 10/10/02 13:56  
3:00-CV-02369 NANOGEN INC V. MONTGOMERY  
\*214\*  
\*STIPO.\*

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8 Attorney for Plaintiff/Counterdefendant NANOGEN, INC.

9  
10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

12 NANOGEN, INC., a Delaware  
13 Corporation,

14 Plaintiff,

15 v.

16 DONALD D. MONTGOMERY, an  
17 Individual, and COMBIMATRIX  
18 CORP., a Delaware Corporation, and a  
19 California Corporation,

20 Defendants.

21 AND RELATED COUNTERCLAIMS  
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FILED  
02 OCT 10 AM 9:01  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *Shanto*  
DEPUTY  
ORIGINAL

Case No. 00 CV 2369 JM (RBB)

STIPULATION FOR DISMISSAL  
WITH PREJUDICE OF ALL  
CLAIMS AND COUNTERCLAIMS

ENTERED ON 10/10/02

Case No. 00 CV 2369 JM (RBB)  
Stipulation for Dismissal

214

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN THAT plaintiff/counterdefendant Nanogen, Inc. ("Nanogen") and defendants/counterclaimants Donald Montgomery ("Montgomery"), and CombiMatrix Corp. ("CombiMatrix"), by and through their respective counsel of record, stipulate to the voluntary dismissal with prejudice of all claims and counterclaims made in this action. Each party will bear its own costs and attorney's fees.

NOTICE IS ALSO GIVEN that this dismissal with prejudice is made pursuant to and in accordance with the terms of the Settlement Agreement between the parties dated September 30, 2002.

DATED: October 3, 2002

BROBECK, PHLEGER & HARRISON LLP

By: 

F. T. Alexandra Mahaney  
Attorneys for Plaintiff/Counterdefendant  
Nanogen

DATED: October 3, 2002

CAMPBELL & FLORES

By: 

Mauricio Flores  
Attorneys for  
Defendant/Counterclaimant  
CombiMatrix Corp.

DATED: October \_\_, 2002

CORBETT & STEELMAN

By: \_\_\_\_\_

Richard B. Specter  
Attorneys for  
Defendant/Counterclaimant Donald  
DONALD D. MONTGOMERY

IT IS SO ORDERED

DATED 10/9/02

  
UNITED STATES DISTRICT JUDGE

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN THAT plaintiff/counterdefendant Nanogen, Inc. ("Nanogen") and defendants/counterclaimants Donald Montgomery ("Montgomery"), and CombiMatrix Corp. ("CombiMatrix"), by and through their respective counsel of record, stipulate to the voluntary dismissal with prejudice of all claims and counterclaims made in this action. Each party will bear its own costs and attorney's fees.

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BROBECK, PHLEGER & HARRISON LLP

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F. T. Alexandra Mahoney  
Attorneys for Plaintiff/Counterdefendant  
Nanogen

DATED: October 3, 2002

CAMPBELL & FLORES

By: 

Mauricio Flores  
Attorneys for  
Defendant/Counterclaimant  
CombiMatrix Corp.

DATED: October 3, 2002

CORBETT & STEELMAN

By: 

Richard B. Specter  
Attorneys for  
Defendant/Counterclaimant Donald  
DONALD D. MONTGOMERY